

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

TAMMY DORSEY,	:	
	:	
Plaintiff,	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 1:10-CV-679-TWT-ECS
FULTON COUNTY,	:	
	:	
Defendant.	:	

O R D E R

Attached is the Report and Recommendation of the United States Magistrate Judge in this action in accordance with 28 U.S.C. § 636(b)(1) and this Court's Civil Local Rule 72. The Clerk shall serve this Report and Recommendation on the parties.

Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b)(2), within fourteen (14) days after being served with a copy, each party may file written objections, if any, to this Report and Recommendation. Should objections be filed, they shall specify with particularity the alleged error or errors made (including reference by page number to the transcript, if applicable) and shall be served upon the opposing party. The party filing objections will be responsible for obtaining and filing the transcript of any evidentiary hearing for review by the District Court. If no objections are filed, the Report and Recommendation may be adopted as the opinion and order of the District Court and any

appellate review of factual findings will be limited to a plain error review. United States v. Slay, 714 F.2d 1093 (11th Cir. 1983), cert. denied, 464 U.S. 1050, 104 S.Ct. 729 (1984).

The Clerk is **DIRECTED** to submit the Report and Recommendation with objections, if any, to the District Court after expiration of the above time period.

SO ORDERED, this 2nd day of December, 2010.

s/ E. Clayton Scofield
E. CLAYTON SCOFIELD III
UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

TAMMY DORSEY,	:	
	:	
Plaintiff,	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 1:10-CV-679-TWT-ECS
FULTON COUNTY,	:	
	:	
Defendant.	:	
	:	

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

This matter is before the Court on Defendant's motion to dismiss, [Doc. 3], filed on June 28, 2010. On July 8, 2010, Plaintiff filed an amended complaint.¹ [Doc. 4]. Because Plaintiff's amended complaint supersedes the initial complaint, see Lowery v. Ala. Power Co., 483 F.3d 1184, 1219-20 (11th Cir. 2007), it is **RECOMMENDED** that Defendant's motion to dismiss [Doc. 3] be **DENIED as moot**.

¹ Plaintiff's amended complaint, [Doc. 4], becomes the operative pleading in this case because she filed it within 21 days of being served with Defendant's responsive pleading. See Fed. R. Civ. P. 15(a)(1)(B) (allowing a party to amend its pleading as a matter of course within 21 days after service of a responsive pleading, if the pleading is one to which a responsive pleading is required).

SO REPORTED AND RECOMMENDED, this 2nd day of December, 2010.

s/ E. Clayton Scofield
E. CLAYTON SCOFIELD III
UNITED STATES MAGISTRATE JUDGE